

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

*Beigel*  
*R-II*  
*29376*

**FILE:** B-216428

**DATE:** September 24, 1984

**MATTER OF:** Birken Manufacturing Co.

**DIGEST:**

Protest of agency determination that small business offeror is nonresponsible will not be considered by GAO since by law the Small Business Administration conclusively determines the responsibility of small business offerors.

Birken Manufacturing Co. protests the finding that it is not responsible made by the Naval Supply Center, Jacksonville, Florida under solicitation No. N68836-84-R-0096.

We will not consider the protest. Birken states that it is a small business. Under the Small Business Act, 15 U.S.C. § 637(b)(7) (1982), the Small Business Administration (SBA) makes conclusive determinations as to a small business offeror's responsibility to perform a particular contract. (In fact, Birken states that it is applying to SBA for a certificate of competency.) Consequently, this Office does not review protests such as this. See, e.g., Gilbralter Industries, Inc., B-208130, Aug. 3, 1982, 82-2 CPD ¶ 105.

The protest is dismissed.

*Harry R. Van Cleve*

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Acting General Counsel

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